

# **Exhibit C**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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FLOYD'S OF LEADVILLE, INC.,  
N/K/A VALUED, INC.,

Plaintiff,

v.

CASE NO.: 1:22-cv-3318

ALEXANDER CAPITAL, L.P.; NESA  
MANAGEMENT, LLC; JOSEPH ANTHONY AMATO;  
ROCCO GERARD GUIDICIPIETRO; JONATHAN GAZDAK;  
GREGORY HURLEY; HOWARD DASILVA;  
RONALD BARRIE CLAPHAM; MARK LEONARD;  
THIEN TRUONG; PROVISION HOLDING, INC.;  
TIMOTHY KELLY; AND THREE DDD LLC,

Defendants.

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**INITIAL DISCLOSURES OF PLAINTIFF FLOYD'S OF LEADVILLE, INC.**

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Pursuant to Fed. R. Civ. P. 26(a)(1)(a), Plaintiff Floyd's of Leadville, Inc., n/k/a Valued, Inc. ("FOL"), by its counsel, hereby discloses as follows:

**I. Individuals with Discoverable Information**

Floyd's of Leadville, Inc., n/k/a Valued, Inc.  
c/o Kohner, Mann & Kailas, S.C.  
4650 N. Port Washington Road  
Milwaukee, WI 53212  
(414) 962-5110

FOL possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, FOL's relationships and dealings with Alexander Capital, L.P., ("Alexander Capital") and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, execution of the lending documents, FOL's dealings with the Advisory Board and Redemption Holdings, Inc. ("Redemption"), FOL's dealings with

Provision Holding, Inc. (“Provision”), FOL’s attempts to renegotiate the loans, FOL’s communications with Lenders<sup>1</sup>, FOL’s financial performance, and FOL’s damages.

Floyd Landis  
c/o Kohner, Mann & Kailas, S.C.  
4650 N. Port Washington Road  
Milwaukee, WI 53212  
(414) 962-5110

Mr. Landis is FOL’s CEO, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants’ Answers and other responses to the Complaint, FOL’s business dealings, FOL’s relationships and dealings with Alexander Capital and the other Defendants, the execution of the lending documents in question, the money raised through Alexander Capital and the representations made in connection with the funds raised, FOL’s dealings with the Advisory Board and Redemption, FOL’s dealings with Lenders, FOL’s dealings with Provision and Coil, FOL’s attempts to renegotiate the loans, FOL’s financial performance, and FOL’s damages.

Alexandra Merle-Huet  
c/o Kohner, Mann & Kailas, S.C.  
4650 N. Port Washington Road  
Milwaukee, WI 53212  
(414) 962-5110

Ms. Merle-Huet was formerly FOL’s COO, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants’ Answers and other responses to the Complaint, FOL’s business dealings, FOL’s relationships and dealings with Alexander Capital and the other Defendants, FOL’s dealings with the Advisory Board and Redemption, FOL’s attempts to renegotiate the loans, and FOL’s damages.

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<sup>1</sup> As identified on *infra* p. 15.

Christopher Ryan  
c/o Kohner, Mann & Kailas, S.C.  
4650 N. Port Washington Road  
Milwaukee, WI 53212  
(414) 962-5110

Mr. Ryan was formerly FOL's CFO, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, FOL's relationships and dealings with Alexander Capital and the other Defendants, FOL's dealings with the Advisory Board and Redemption, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

Robert Bell  
c/o Kohner, Mann & Kailas, S.C.  
4650 N. Port Washington Road  
Milwaukee, WI 53212  
(414) 962-5110

Mr. Bell is FOL's Vice President of Operations, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, FOL's relationships and dealings with Alexander Capital and the other Defendants, FOL's dealings with the Advisory Board and Redemption, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

Alexander Capital, L.P.  
17 State Street  
New York, NY 10004  
(212) 687-5650

Alexander Capital was FOL's investment advisor, agent and fiduciary, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, the

commissions paid to Alexander Capital and others in connection with the funds raised, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, the execution of the lending documents in question, FOL's dealings with the Advisory Board, FOL's dealings with Provision, FOL's dealings with Coil, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

NESA Management, LLC  
17 State Street  
New York, NY 10004  
(212) 687-5650

NESA Management, LLC, was the manager of Alexander Capital during the times in question, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, the commissions paid to Alexander Capital and others in connection with the funds raised, FOL's dealings with the Advisory Board, FOL's dealings with Provision, FOL's dealings with Coil, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

Frank J. DiMartini  
391 Poilon Avenue  
Staten Island, NY 10321  
(917) 566-1014

Mr. DiMartini was formerly Alexander Capital's broker and agent, and later became a member of the Advisory Board and then Redemption's agent, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers

and other responses to the Complaint, FOL's business dealings, the execution of the lending documents in question, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, the commissions paid to Alexander Capital and others in connection with the funds raised, FOL's dealings with the Advisory Board and Redemption, FOL's dealings with Provision, FOL's dealings with Coil, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

Jonathan Gazdak  
50 Murray Street, Apartment 901  
New York, NY 10007  
Phone Number Unknown

Mr. Gazdak is Alexander Capital's Manager of Investment Banking and a member of the Advisory Board, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, FOL's relationships and dealings with Alexander Capital and the other Defendants, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, the money raised through Alexander Capital and the representations made in connection with the funds raised, the commissions paid to Alexander Capital and others in connection with the funds raised, the execution of the lending documents in question, FOL's dealings with the Advisory Board and Redemption, FOL's dealings with Provision, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

Rocco Gerard Guidici Pietro  
6 Havenhill Road  
Hamburg, NJ 07419  
Phone Number Unknown

Mr. Guidici Pietro is a Manager and Owner of Alexander Capital, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, the commissions paid to Alexander Capital and others in connection with the funds raised, FOL's dealings with the Advisory Board and Redemption, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

Joseph Anthony Amato  
21 Country Lane  
Hamburg, NJ 07419  
Phone Number Unknown

Mr. Amato is a Manager and Owner of Alexander Capital, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, the commissions paid to Alexander Capital and others in connection with the funds raised, FOL's dealings with the Advisory Board and Redemption, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

Bari A. Latterman  
Address Unknown  
Phone Number Unknown

Ms. Latterman was formerly an Investment Associate for Alexander Capital, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, the execution of the lending documents in question, FOL's dealings with the Advisory Board and Redemption, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

Guy Durand  
Address Unknown  
Phone Number Unknown

Mr. Durand was formerly a broker and agent for Alexander Capital, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, the execution of the lending documents in question, FOL's dealings with the Advisory Board and Redemption, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

Steven Walsh  
Alexander Capital, L.P.  
17 State Street  
New York, NY 10004  
(212) 687-5650

Mr. Walsh is an Alexander Capital employee working in the Investment Banking Department, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, Alexander



Capital's business dealings, Alexander Capital's communications and dealings with lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, FOL's dealings with the Advisory Board and Redemption, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

Shawn Weadock  
Alexander Capital, L.P.  
17 State Street  
New York, NY 10004  
(212) 687-5650

Mr. Weadock is an Alexander Capital employee, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, FOL's dealings with the Advisory Board and Redemption, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

Carl Martarano  
Alexander Capital, L.P.  
17 State Street  
New York, NY 10004  
(212) 687-5650

Mr. Martarano is an Alexander Capital employee, an Alexander Capital Partner and Mr. DiMartini's former supervisor, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, FOL's relationships and dealings with Alexander Capital and the other

Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, Alexander Capital's partners, registrations, status as a partnership and dealings with the state of Delaware, Mr. Martarano's dealings with Mr. DiMartini and the circumstances under which Mr. DiMartini's employment with Alexander Capital was terminated.

Michelle Misiti  
Alexander Capital, L.P.  
17 State Street  
New York, NY 10004  
(212) 687-5650

Ms. Misiti is the Chief Compliance Officer for Alexander Capital and an Alexander Capital Partner, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, the laws and requirements to which Alexander Capital's work for FOL were subject, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, Alexander Capital's partners, registrations, status as a partnership and dealings with the state of Delaware, and FOL's damages.

Timothy Kelly  
38 Gramercy Avenue  
Rye, NY 10580  
Phone Number Unknown

Mr. Kelly was formerly Alexander Capital's broker and agent, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised

through Alexander Capital and the representations made in connection with the funds raised, the commissions paid to Alexander Capital and others in connection with the funds raised, the execution of the lending documents in question, the commissions improperly paid to or for the benefit of Mr. Kelly, FOL's dealings with Provision, FOL's dealings with Coil, Mr. Kelly's theft of FOL stock, Mr. Kelly's fraudulent attempts to sell FOL stock to veterans and other victims, FOL's financial performance, and FOL's damages.

Three DDD LLC  
38 Gramercy Avenue  
Rye, NY 10580  
Phone Number Unknown

Three DDD LLC is a company owned by Mr. Kelly, and it possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, Mr. Kelly's business dealings, FOL's business dealings, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, the commissions paid to Alexander Capital and others in connection with the funds raised, the commissions improperly paid to or for the benefit of Mr. Kelly, and FOL's damages.

Mark Leonard  
10936 Cozycroft Avenue  
Chatsworth, CA 91311  
Phone Number Unknown

Mr. Leonard was formerly the CEO of Provision and worked with FOL, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money

raised through Alexander Capital and the representations made in connection with the funds raised, FOL's dealings with the Advisory Board and Redemption, FOL's dealings with Provision, FOL's dealings with Coil, FOL's dealings with Mr. Leonard, Mr. Leonard's interference with FOL's distribution of its products, Mr. Leonard's theft of FOL's intellectual property and stock, and FOL's damages.

Ronald Barrie Clapham  
1-1 Victoria Crescent Road  
Glasgow G12 9DB, UK  
Phone Number Unknown

Mr. Clapham is an investor in FOL, a member of the Advisory Board, a Director, a lender to and shareholder of Redemption, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, FOL's dealings with the Advisory Board and Redemption, FOL's dealings with Mr. Clapham, the Advisory Board and Redemption's interference with FOL's relationships with the Lenders, the attempt to take over FOL and steal its assets, and FOL's damages.

Gregory Hurley  
11 Jacob Arnold Road  
Morristown, NJ 07960  
Phone Number Unknown

Mr. Hurley is an investor in FOL, a member of the Advisory Board and the CEO of Redemption, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, Alexander Capital's business dealings, Alexander Capital's communications

and dealings with Lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, the execution of the lending documents in question, FOL's dealings with the Advisory Board and Redemption, FOL's dealings with Mr. Hurley, the Advisory Board and Redemption's interference with FOL's relationships with the Lenders, the attempt to take over FOL and steal its assets, and FOL's damages.

Howard Da Silva  
Three Gates Lane  
Haslemere GU27 2LD, UK  
Phone Number Unknown

Mr. DaSilva is an investor in FOL, a member of the Advisory Board and a Director of Redemption, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, the execution of the lending documents in question, FOL's dealings with the Advisory Board and Redemption, FOL's dealings with Mr. Da Silva, the Advisory Board and Redemption's interference with FOL's relationships with the Lenders, the attempt to take over FOL and steal its assets, and FOL's damages.

Thien Truong  
9253 Eton Avenue  
Chatsworth, CA 91311  
Phone Number Unknown

Mr. Truong is an investor in and funder of Redemption, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, FOL's relationships and dealings

with Alexander Capital and the other Defendants, FOL's dealings with the Advisory Board and Redemption, FOL's dealings with Mr. Truong, the Advisory Board and Redemption's interference with FOL's relationships with the Lenders, the attempt to take over FOL and steal its assets, and FOL's damages.

Provision Holding, Inc.  
9120 Double Diamond Parkway  
Reno, NV 89521  
Phone Number Unknown

Provision is a company that fraudulently lent money to FOL, and it possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, Provision's dealings with FOL, the representations Provision made to FOL in connection with the fraudulent loan, Provision's dealings with Alexander Capital, and FOL's damages.

Carmel, Milazzo & Feil, LLP, f/k/a Carmel, Milazzo & DiChiara LLP  
55 West 39<sup>th</sup> Street, 18<sup>th</sup> Floor  
New York, NY 10018  
(212) 658-0450

Carmel, Milazzo & Feil, LLP, f/k/a Carmel, Milazzo & DiChiara LLP ("CMD"), was Alexander Capital's counsel during the times in question, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, CMD's dealings with FOL and Alexander Capital, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, CMD's dealings with the Lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, the execution of the lending documents in question, FOL's dealings with the Advisory Board, FOL's dealings with Provision,

FOL's dealings with Coil, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

Pete DiChiara  
Address Unknown  
Phone Number Unknown

Pete DiChiara was Alexander Capital's counsel during the times in question, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, CMD's dealings with FOL and Alexander Capital, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, the execution of the lending documents in question, CMD's dealings with the Lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, FOL's dealings with the Advisory Board, FOL's dealings with Provision, FOL's dealings with Coil, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

Kirill Nikonov  
Rockefeller Center  
1270 Avenue of the Americas, 24<sup>th</sup> Floor  
New York, NY 10020  
(212) 218-2245

Kirill Nikonov was Alexander Capital's counsel during the times in question, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, CMD's dealings with FOL and Alexander Capital, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, the execution of the lending documents in question, CMD's dealings with the Lenders, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the

representations made in connection with the funds raised, FOL's dealings with the Advisory Board, FOL's dealings with Provision, FOL's dealings with Coil, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

The Alexander Capital Partners:  
SENA Management LLC  
JSEC INC.  
Catherine Salkind  
Gene Salkind  
Jerry Anthony Desiderio  
Michael William Eldredge  
Paul Michael Messina  
Ohlert Ruggiere Inc.  
Barbara Roth  
Joseph Matthew Ruggiere  
Wayne Ruggiere  
JeanPaul Charles Skovronck  
Lawrence Robert Stafford  
Thomas Francis Sullivan  
John Marshall Williams  
17 State Street  
New York, NY 10004

The Alexander Capital partners listed above possess information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, Alexander Capital's business dealings, Alexander Capital's partners, registrations, status as a partnership and dealings with the state of Delaware, and FOL's damages.

The Lenders:  
Paul Yurfest  
Scott D. Thompson  
Maxwell Diffey  
Geoffrey Charles Maddock  
TISU Investment Ltd. (Tis Prager)  
Timothy Marks  
Xavier Hill  
David Renwick  
Brent Roberts  
Valentine Croon  
Theo Heselmans & Hilde Aerts  
Mark Lewis



W.M. Edwards  
Roger Wells  
Anna Lotan Ltd.  
Aseet A. Patel  
Jay A. Hintze  
Asmosija Superannuation Fund  
Anthony Behette  
Albert Viviani  
Gary W. Jaster  
Christian Giordano  
Michael N. Oughtred  
Paul A. Benjes  
John Burgess  
Ralf V. Tietge  
John R. DiMartini  
Franco Rastelli  
Barbara Grisoli  
Eric W. Rothbarth  
Robert J. Guthrie  
Timothy Alan Maynard  
JJB-FLA LLC  
Jacques Deltenre  
Konstantin Von Radowitz  
Mark Bradley  
David Gardner  
Robert Orlando Living Trust Sept 8  
1998  
Ernest Orlando  
Matteo Quaini  
Mark Davis  
Peter Quigley  
Francesco DeFrancesco  
Ben DiGiovanni  
Alexander Scharf  
Donald Fletcher  
Lonn Warner  
Sylvester Willis  
Lisafield Pty Ltd ATF Adams8  
Superfund  
Stephen Gais  
Gary Grella

The Lenders listed above (address and telephone information included in the attached Exhibit A) possess information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, Alexander Capital's business dealings, Alexander Capital's communications and dealings with Lenders, the money raised through Alexander Capital and the representations made in connection with the funds raised, the execution of the lending documents, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

Other Alleged FOL "Shareholders"

Farzad Samimi  
Joseph Cusemano  
Joseph Scaffidi  
Frank Squilla  
Joann Rutter Hartman  
Sonny Nasir Ghesani  
Nayeem Ghesani  
Oscar Armando Pena  
Lance Hill  
Earl Ward  
Ralf Schlapefer  
Rony Behette  
Addresses Unknown  
Phone Numbers Unknown

The above individuals, who either are or claim to be FOL shareholders (many of them through fraudulent transactions executed by the Defendants) possess information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, FOL's distribution efforts, FOL's and the Defendants' interactions with Coil, Provision and Rainmaker Retail Group LLC ("Rainmaker"), the individuals' interactions with Defendants, the individuals' purchase or alleged purchase of FOL stock, the theft of FOL stock, and FOL's damages.

Redemption Holdings, Inc.  
11 Jacob Arnold Road  
Morristown, NJ 07960  
Phone Number Unknown

Redemption possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, FOL's relationships and dealings with Alexander Capital and the other Defendants, the money raised through Alexander Capital and the representations made in connection with the funds raised, FOL's dealings with the Advisory Board and Redemption, FOL's attempts to renegotiate the loans, FOL's financial performance, and FOL's damages.

Rainmaker Retail Group, LLC  
7 Crescent View Court  
The Woodlands, TX 77381  
Phone Number Unknown

Rainmaker was a former distributor for FOL, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, Rainmaker's dealings with FOL, FOL's business dealings, FOL's distribution efforts, FOL's and the Defendants' interactions with Coil, Provision and Rainmaker, the other Defendants' interactions with Rainmaker, and FOL's damages.

Sebastian Anthony Muscarello  
7 Crescent View Court  
The Woodlands, TX 77381  
Phone Number Unknown

Mr. Muscarello was formerly associated with Rainmaker, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, Rainmaker's dealings with FOL, FOL's business dealings, FOL's distribution efforts, FOL's and the Defendants' interactions with Coil, Provision and Rainmaker, the other Defendants' interactions with Rainmaker, and FOL's damages.

Andrew M. Kaplan  
17630 W. 58<sup>th</sup> Drive  
Golden, CO 80403  
Phone Number Unknown

Mr. Kaplan is a member of several Oregon LLCs with whom FOL did business, and is a former FOL employee, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings with the Oregon LLCs, the Oregon LLCs dealings with the Advisory Board and Redemption, and FOL's damages.

David J. Benlolo  
30 S. Jasmine Street  
Denver, CO 80224

Mr. Benlolo is a member of several Oregon LLCs with whom FOL did business, and is a former FOL employee, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings with the Oregon LLCs, the Oregon LLCs dealings with the Advisory Board and Redemption, and FOL's damages.

Mark Ward  
Address Unknown  
Phone Number Unknown

Mr. Ward is an employee of Dead Crickets, an FOL business partner, and possesses information among other things relating to the allegations and claims in the Complaint and the Defendants' Answers and other responses to the Complaint, FOL's business dealings, his interactions with Mark Leonard concerning a CBD topical cream developed by FOL, and FOL's damages.

FOL expressly reserves the right to supplement this list if necessary based on further discovery, the Initial Disclosures of any other party, or for any other appropriate reason.

## **II. Documentation**

Specific documents in FOL's possession, custody or control that FOL is aware of at this time and may use to support its claims include: FOL's October 20, 2017 Engagement Agreement with Alexander Capital; FOL's September 16, 2018 Securities Purchase Agreement with Provision; communications between FOL and Alexander Capital representatives, including but not limited to Jonathan Gazdak, Shawn Weadock, Frank DiMartini, Steven Walsh, Bari Latterman, CMD, Pete DiChiara, Kirill Nikonov and Tim Kelly; communications with the Advisory Board; communications with Redemption; records of meetings with the Defendants and their representatives; FOL financial records; documents concerning FOL's aborted plan to go public; communications with Lenders; and documents supporting FOL's damages claims. Generally, FOL may use business records relating to its business, its dealings with the Defendants and relevant parties and correspondence with or about any of the Defendants in support of its claims.

More specific documents will be identified and produced in response to the parties' discovery requests after the Court enters an appropriate Protective Order. After discovery, FOL will serve an exhibits list under Fed. R. Civ. P. 26(3)(A)(iii) if necessary at an appropriate time, and will serve expert reports in accordance with the Court's Scheduling Order. FOL reserves all rights to use any and all appropriate documents at trial.

## **III. Damages**

FOL alleges that Defendants have caused FOL to suffer many millions of dollars in damages. FOL is entitled to recovery of all damages it suffered as a result of Defendants' wrongdoing, including but not limited to damages arising due to Defendants' fraud, securities fraud, violation of the Investment Advisors Act, breaches of fiduciary duty, intentional interference, conversion, breach of contract, civil conspiracy, and aiding and abetting fraud and breaches of fiduciary duty. The types of damage FOL suffered include but are not limited to:

- Compensatory damages to recover all losses suffered due to Defendants' wrongdoing;
- Compensation for the value of all FOL property, including but not limited to intellectual property and FOL stock, stolen by Defendants;
- The lost profits FOL suffered due to Defendants' wrongdoing;
- Forfeiture or disgorgement of Defendants' ill-gotten profits or gains garnered via Defendants' wrongdoing at FOL's expense;
- The amount of money and other consideration FOL would have received had it gone public (but-for Defendants' wrongdoing);
- The amount of commissions Alexander Capital was paid in connection with FOL;
- Compensation for the difference between the monetary value of the renegotiated terms FOL would have entered into with the Lenders but for Defendants' wrongdoing, and the current amount FOL owes or allegedly owes pursuant to the lending documents;
- The amount of funds paid to Tim Kelly and/or Three DDD, LLC, in connection with funds raised through Alexander Capital;
- The amount of interest paid pursuant to the lending documents;
- Compensation for all fees and penalties owed or allegedly owed under the lending documents;
- Rescission of the lending documents or damages due to Defendants' fraudulent inducement of the lending documents;
- Return of the \$300,000 FOL paid to Provision, plus interest and other penalties;
- Return or compensation for the \$590,000 in FOL stock that was wrongfully sold by Kelly, Da Silva and Leonard, and related kickbacks to DiMartini;
- Indemnification of all costs, fees, expenses and losses that FOL incurred in connection with Alexander Capital's false or materially misleading statements;
- FOL's attorneys' fees and other costs;
- Pre- and post-judgment interest; and
- Punitive and/or exemplary damages, in an amount to be determined by the jury at trial.

Quantification of these damages will be the subject of expert analysis and opinion, based in part on information gathered in discovery. More precise calculations and the underlying records, many of them to be obtained in discovery, will be of a highly sensitive nature and will be disclosed pursuant to an appropriate Protective Order entered by the Court.

#### **IV. Insurance Agreements**

FOL is not aware of any insurance agreement relevant to the claims and defenses at issue.

Dated this 4th day of October, 2022.

/s/ Ryan M. Billings

Ryan M. Billings, #RB0378  
KOHNER, MANN & KAILAS, S.C.  
4650 N. Port Washington Road  
Milwaukee, WI 53212  
rbillings@kmksc.com

Matthew J. Smith, #32043 (CO)  
(admitted *pro hac vice* 5/2/22)  
Nicholas W. Katz, #55136 (CO)  
(admitted *pro hac vice* 5/2/22)  
HOLLAND & HART LLP  
555 Seventeenth Street, Suite 3200  
Denver, CO 80202  
mjsmith@hollandhart.com  
nwkatz@hollandhart.com

***Attorneys for Plaintiff Floyd's of Leadville, Inc.,  
n/k/a Valued, Inc.***

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 4<sup>th</sup> day of October, 2022, a true and correct copy of the foregoing *Initial Disclosures of Plaintiff Floyd's of Leadville, Inc.* was filed and served via electronic mail and U.S. Mail and International Mail, postage prepaid upon all parties of record as follows:

Michael S. Holcomb  
Holly P. Cole ([holly@holcombward.com](mailto:holly@holcombward.com))  
Bryan Ward ([bryan.ward@holcombward.com](mailto:bryan.ward@holcombward.com))  
Holcomb + Ward, LLP  
17 State Street, 5<sup>th</sup> Floor  
New York, NY 10004  
*Attorneys for Defendants Alexander Capital, L.P.; NESA Management, LLC; Joseph Amato; Rocco Guidici Pietro; and Jonathan Gazdak*

Ihsan Dogramaci ([IDogramaci@pavialaw.com](mailto:IDogramaci@pavialaw.com))  
Pavia & Harcourt LLP  
230 Park Avenue, 24<sup>th</sup> Floor  
New York, NY 10169  
*Attorneys for Defendant Thien Truong*

Paul A. Rachmuth ([paul@paresq.com](mailto:paul@paresq.com))  
Bryan McKenna ([bam@mckennalegal.nyc](mailto:bam@mckennalegal.nyc))  
Paul Rachmuth Law Office PLLC  
265 Sunrise Highway, Suite 1515  
Rockville Centre, NY 11570  
*Attorneys for Defendants Mark Leonard and Ronald Barrie Clapham*

Howard DaSilva ([howarddasilva@outlook.com](mailto:howarddasilva@outlook.com))  
Spring House  
Three Gates Lane  
Haslemere, Surrey, GU27 2LD  
United Kingdom  
*Pro Se Defendant*

Gregory Hurley ([greghurley99@gmail.com](mailto:greghurley99@gmail.com))  
11 Jacob Arnold Road  
Morristown, NY 07960  
*Pro Se Defendant*

/s/ Billie Jo Jentsch



Paul Yurfest	Paul	Yurfest	4635 Dudley Land, Atlanta, GA 30327	404-831-9074
Scott D. Thompson	Scott	Thompson	711 Lake Street, San Francisco, CA 94118	415-238-6279
Maxwell Diffey	Maxwell	Diffey	27 Kensington Street, Tokoro New Zealand 3420	64-78234447
Howard DaSilva	Howard	DaSilva	Three Gates Lane, Haslemere GU27 2LD	44-7795457947
Geoffrey Charles Maddock	Geoffrey	Maddock	54 Stewart Road, Harpenden Herts AL54QB, United Kingdom	44-2074662067
TISU Investment Ltd. (Tis Prager)	TISU	Investment	Simmonds Building Wickhams Cay 1, Roadtown Tortola, British Virgin Islands	41442545555
Timothy Marks	Timothy	Marks	Amber Barn, Pool Kelines, Cirencester Gloucestershire GL76EG	12-85771199
Xavier Hill	Xavier	Hill	53 Bona Vista Rd., Armidale, NSW 2350 Australia	61-419248715
David Renwick	David	Renwick	69 Unit Remuera Aukland 1050 Aukland, New Zealand	64-099177331
Brent Roberts	Brent	Roberts	45 Heaton St, Parkside, Timaru 7910, New Zealand	64-36889156
Valentine Croon	Valentine	Croon	3 Meteorological Lane, Waitangi Chatham Islands, New Zealand 8942	64-21610509
Theo Heselmans & Hilde Aerts	Theo	Heselmans	Heiblokken 1, 2250 Olen, Belgium	32-475602949
Mark Lewis	Mark	Lewis	18 Lucerne Rd. Remuera, Auckland 1050, New Zealand	64-0800333803
W.M. Edwards	W.M.	Edwards	25 Harvey Rd, Guildford GU1 3LU, UK	14-3855362
Roger Wells	Roger	Wells	3343 Silverspring Dr, Dewitt, MI 48820	517-669-6456
Anna Lotan Ltd.	Anna	Lotan	39 Triq il-FuxaSan Ġwann, Malta	78-62064823
Aseet A. Patel	Aseet	Patel	25 Regency Pl, Kenmore Hills QLD 4069, Australia	61-404357972
Jay A. Hintze	Jay	Hintze	2100 S Phillippi St, Boise, ID 83705	208-375-1300
Asmosija Superannuation Fund	Asmosija	Superannuation	25 Regency Pl, Kenmore Hills QLD 4069, Australia	61-404357972
Timothy Marks	Timothy	Marks	Amber Barn, Pool Kelines, Cirencester Gloucestershire GL76EG	12-85771199
Geoffrey Charles Maddock	Geoffrey	Maddock	54 Stewart Road, Harpenden Herts AL54QB, United Kingdom	44-2074662067
Anthony Behette	Anthony	Behette	155 82nd Street, Brooklyn, NY 11209	347-249-1508
Lonn C. Warner	Lonn	Warner	29955 Groesbeck HwyRoseville, MI 48066	586-773-0858
Albert Viviani	Albert	Viviani	17 Rue de Millo, 98000 Monaco	33-607-837468
Gary W. Jaster	Gary	Jaster	6103 Bullard Dr Unit A, Austin, TX 78757	512-694-9276
Christian Giordano	Christian	Giordano	Les Lignes, 2 Rue Honoré Labande, 98000 Monaco	33-629352436
Michael N. Oughtred	Michael	Oughtred	Wensley Hall, Wensley, Leyburn DL8 4HN, UK	44-766796894
Xavier Hill	Xavier	Hill	53 Bona Vista Rd., Armidale, NSW 2350 Australia	61-419248715
Paul A. Benjes	Paul	Benjes	32 St Ronans Ave, Waterloo, Lower Hutt 5011, New Zealand	64-49313224
John Burgess	John	Burgess	16458 Northdale Oaks Dr, Greater Northdale, FL 33624	303-229-4638
Ralf V. Tietge	Ralf	Tietge	Obere Ringstraße 25, 70839 Gerlingen, Germany	49-61999614488
John R. DiMartini	John	DiMartini	5605 Ocean Drive, Oakland, CA 94618	510-604-6332
Franco Rastelli	Franco	Rastelli	1600 Sussex St UNIT 202, Las Vegas, NV 89144	702-626-2273
Barbara Grisoli	Barbara	Grisoli	Borgo Montassù n7, 43121 Parma PR, Italy	37-3479893580
Gregory Francis Hurley	Gregory	Hurley	11 Jacob Arnold Rd, Morristown, NJ 07960	917-301-3077
Eric W. Rothbarth	Eric	Rothbarth	Peppard Cottage Peppard Common Henley on Thames KG956B UK	44-7887628548
Robert J. Guthrie	Robert	Guthrie	5 Karloo Parade, Newport NSW 2106, Australia	61-29992949
Maxwell Diffey	Maxwell	Diffey	27 Kensington Street, Tokoro New Zealand 3420	64-78866444
Timothy Alan Maynard	Timothy	Maynard	41 Plantation Avenue, Cambridge CB2 9BY, UK	44-2073828618
JJB-FLA LLC	JJB-FLA	LLC	230 Ocean Grande Blvd APT 603, Jupiter, FL 33477	732-606-2124
Jacques Deltenre	Jacques	Deltenre	16 z.a.r.e. quest L-4384 Ehlerange, Luxembourg	352-621301011
Konstantin Von Radowitz	Konstantin	Von Radowitz	Alte Landstrasse 9 8702 Zollikon, Switzerland	415-827-96457
Mark Bradley	Mark	Bradley	55 Carnoustie Way, Media, PA 19063	610-291-3717
TISU Investment Ltd. (Tis Prager)	TISU	Investment	Simmonds Building Wickhams Cay 1, Roadtown Tortola, British Virgin Islands	41442545555
David Gardner	David	Gardner	32 Cameron Rd. Tauranga, 3110 New Zealand	64-75721480
Robert Orlando Living Trust Sept 8 1998	Robert	Orlando	3804 Sterling Rd. Downers Grove, IL 60515	312-622-2230
Ernest Orlando	Ernest	Orlando	1320 Hallberg Lane, Park Ridge, IL 60068	312-243-0776
Matteo Quaini	Matteo	Quaini	Vicolo Scacchini 9 Parma 43121	39-3357015179

## EXHIBIT A

Mark Davis	Mark	Davis	36 Totteridge Common, London N20 8NE, UK	44-2088308830
Peter Quigley	Peter	Quigley	Chemin de l'Eau-Vive, 1297 Founex, Switzerland	41-227763886
Francesco DeFrancesco	Francesco	DeFrancesco	117 Roman Avenue Staten Island NY10314	646-773-9861
Ben DiGiovanni	Ben	DiGiovanni	69 Highland Road Staten Island NY 10308	646-773-9856
Alexander Scharf	Alexander	Scharf	545 West End Avenue New York NY 10024	917-921-2000
Howard DaSilva	Howard	DaSilva	Three Gates Lane, Haslemere GU27 2LD	44-7795457947
Timothy Alan Maynard	Timothy	Maynard	41 Plantation Avenue, Cambridge CB2 9BY, UK	44-2073828618
Donald Fletcher	Donald	Fletcher	39 The Cliffs Parkway Landrum SC 29356	704-907-5415
Anthony Behette	Anthony	Behette	155 82nd Street, Brooklyn, NY 11209	347-249-1508
John Burgess	John	Burgess	16458 Northdale Oaks Dr, Greater Northdale, FL 33624	303-229-4638
Jacques Deltenre	Jacques	Deltenre	16 z.a.r.e. quest L-4384 Ehlerange, Luxembourg	352-621301011
Albert Viviani	Albert	Viviani	17 Rue de Millo, 98000 Monaco	33-607-837468
Albert Viviani	Albert	Viviani	17 Rue de Millo, 98000 Monaco	33-607-837468
Michael Oughtred	Michael	Oughtred	Wensley Hall, Wensley, Leyburn DL8 4HN, UK	44-766796894
Gregory Hurley	Gregory	Hurley	11 Jacob Arnold Rd <i>Morristown</i> Nj 07960	917-301-3077
Lonn Warner	Lonn	Warner	29955 Groesbeck HwyRoseville, MI 48066	586-773-0858
Theo Heselmans & Hilde Aerts	Theo	Heselmans	Heiblokken 1, 2250 Olen, Belgium	32-475602949
Sylvester Willis	Sylvester	Willis	541 New York Ave. Lyndhurst NJ 07071	917-692-8570
Lisafield Pty Ltd ATF Adams8 Superfund	Lisafield	Pty	15 Morley St Chelmer QLD 4068 Australia	
Stephen Gais	Stephen	Gais	Am Hirtenberg 17, Waake 37137 Germany	49-551707394201
Gary Grella	Gary	Grella	22 Old Harter Rd Morristown NJ 07960	973-650-3972

## EXHIBIT A